



PUBLIC NOTICE

US Army Corps
of Engineers
Baltimore
District

In Reply to Application Number
CENAB-OP-RMN(RUKERT TERMINALS CORP/BERTH
"B"/BULKHEAD & DREDGING)06-60653-1

PN-53

Comment Period: 12 December 2005 to 12 January 2006

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army permit pursuant to Section 10 of the River and Harbor Act and Section 404 of the Clean Water Act.

APPLICANT: Rukert Terminals Corporation
Attn: Mr. Steve W. Landess, PE
2021 South Clinton Street
Baltimore, MD 21224-0163

LOCATION: Patapsco River. Northwest Harbor, Baltimore City, Maryland

WORK: The applicant proposes to construct 1,100 linear feet of steel sheet pile bulkheading no more than 250 feet channelward of a deteriorating bulkhead, and to place approximately 62,000 cubic yards of granular material, to be obtained from an upland site, landward of the bulkhead. Approximately 1 acre of fill is proposed in the area of an existing relieving platform and approximately 0.8 acre of existing open-water area is proposed to be filled. The applicant also proposes to mechanically dredge an approximately 16 acre area to 52 feet below mean low water, and an approximately 2 acre area to 42 feet below mean low water. The approximately 427,000 cubic yards of dredged material is to be deposited at the Hart Miller Island disposal site. The work is to be performed at an existing marine terminal. A permit for this project would authorize periodic maintenance dredging subject to the prior notification of the District Engineer. The purpose of the project is to reconstruct an existing wharf for vessel mooring, to provide additional land for cargo storage, and to improve navigable access.

Essential Fish Habitat (EFH) Assessment: The Magnuson-Stevens Fishery Conservation Act (MSFCA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect EFH. The EFH designations within the Northeast Region (Maine to Virginia), dated March 1, 1999 include EFH for a number of species in various life stages. This waterway has EFH listed for juvenile and adult windowpane flounder (Scopthalmus aquosus), summer flounder (Paralichthys dentatus), and bluefish (Pomatomus saltatrix); egg, larva, juvenile, and adult life stages of king mackerel (Scomberomorus cavalla), Spanish mackerel (Scomberomorus maculatus), cobia (Rachycentron canadum), and red drum (Sciaenops ocellatus). These are managed species under the MSFCA. A preliminary assessment indicates that the proposed project would have minimal impact on EFH based on the impacts of the proposed filling and dredging activities. The aforementioned species are not resident species, but could use the project area as a foraging area on a seasonal basis, primarily during the summer. The project has the potential to minimally affect the managed species and/or their EFH quality and/or quantity, as well as their prey species. No EFH measures have been developed for this project. As the evaluation of this project continues, EFH measures may be developed.

All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Jon Romeo at (410) 962-6079.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the

proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Maryland Department of the Environment. Any written comments concerning the work described above which relate to water quality certification must be received by the Standards and Certification Division Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the Coastal Zone Division, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland, 21230-1708, within the comment period as specified above. It should be noted that CZ Division has a statutory limit of 6 months in which to make its consistency determination.

The applicant must obtain any State or local government permits which may be required.

A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

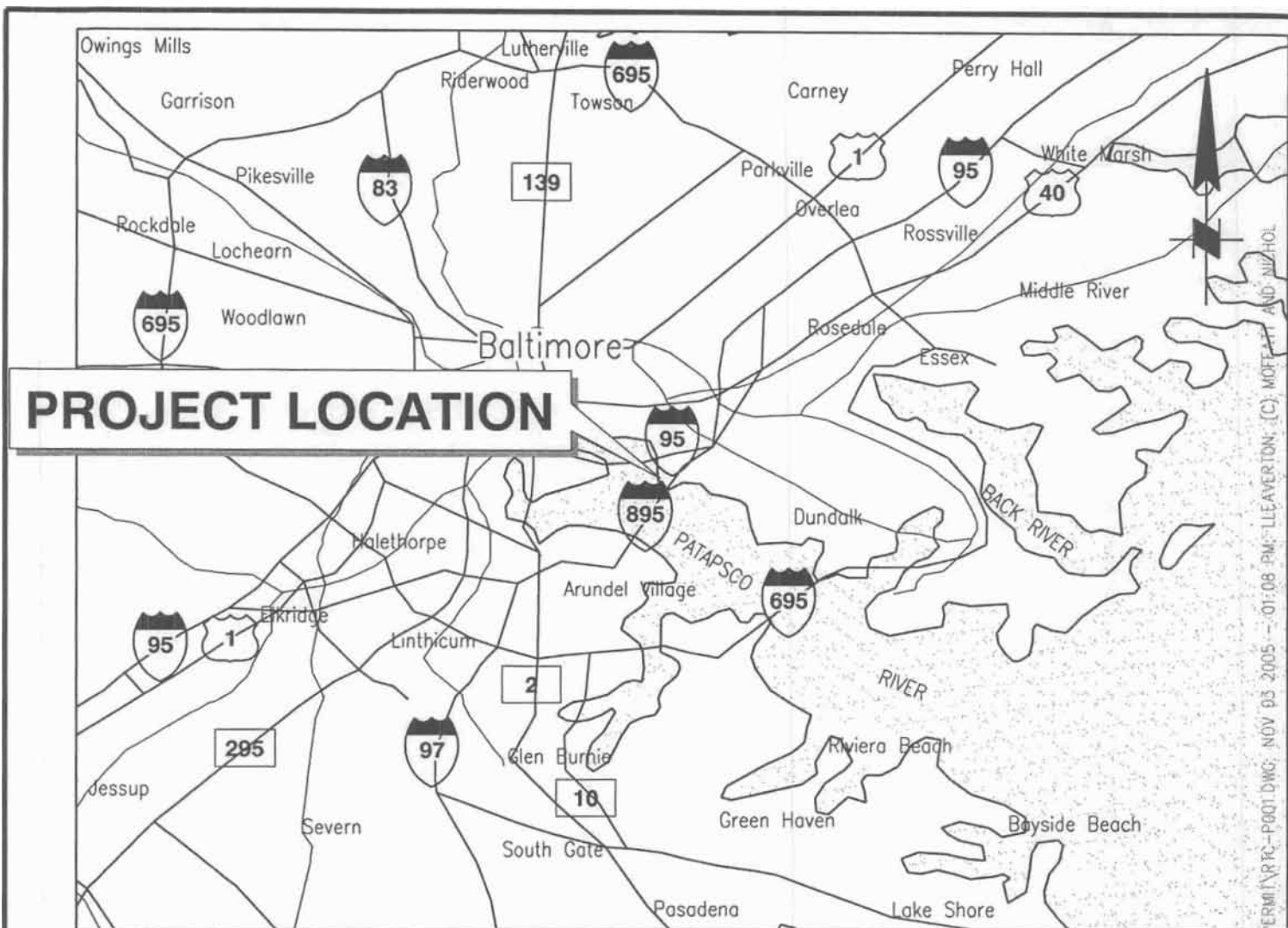
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in the manner in which the interest may be adversely affected.

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.



Vance G. Hobbs
Chief, Maryland Section Northern



VICINITY MAP

NTS

SUMMARY OF PROPOSED WORK:

1. DREDGING
 - A. 427,000 ± CY OF BLACK AND GRAY SILT TO BE DREDGED BY CLAM SHELL METHOD TO -52 OVER 16 ACRES AND -42 OVER 1.9 ACRES. PURPOSE TO ACCOMMODATE MARITIME DOCKING ACTNATES.
 - B. DREDGED MATERIAL TO BE DISPOSED AT HART-MILLER ISLAND.
 - C. SOUNDINGS ARE IN FEET AND REFER TO MEAN LOWER LOW WATER (MLLW).
2. 1,100 FEET OF BULKHEAD.
3. 0.98 ACRES OR 42,750 SF OF OPEN WATER FILL UNDER RELIEVING PLATFORM AND 0.77 ACRES OR 33,500 SF OF OPEN WATER FILL ELSEWHERE.
4. 0.01 ACRES OR 434 SF OF PIER PERMANENTLY REMOVED.

PURPOSE: WHARF CONSTRUCTION
ADJACENT PROPERTY OWNERS:

1. STATE OF MARYLAND
2. CONSOLIDATION COAL SALES CO.



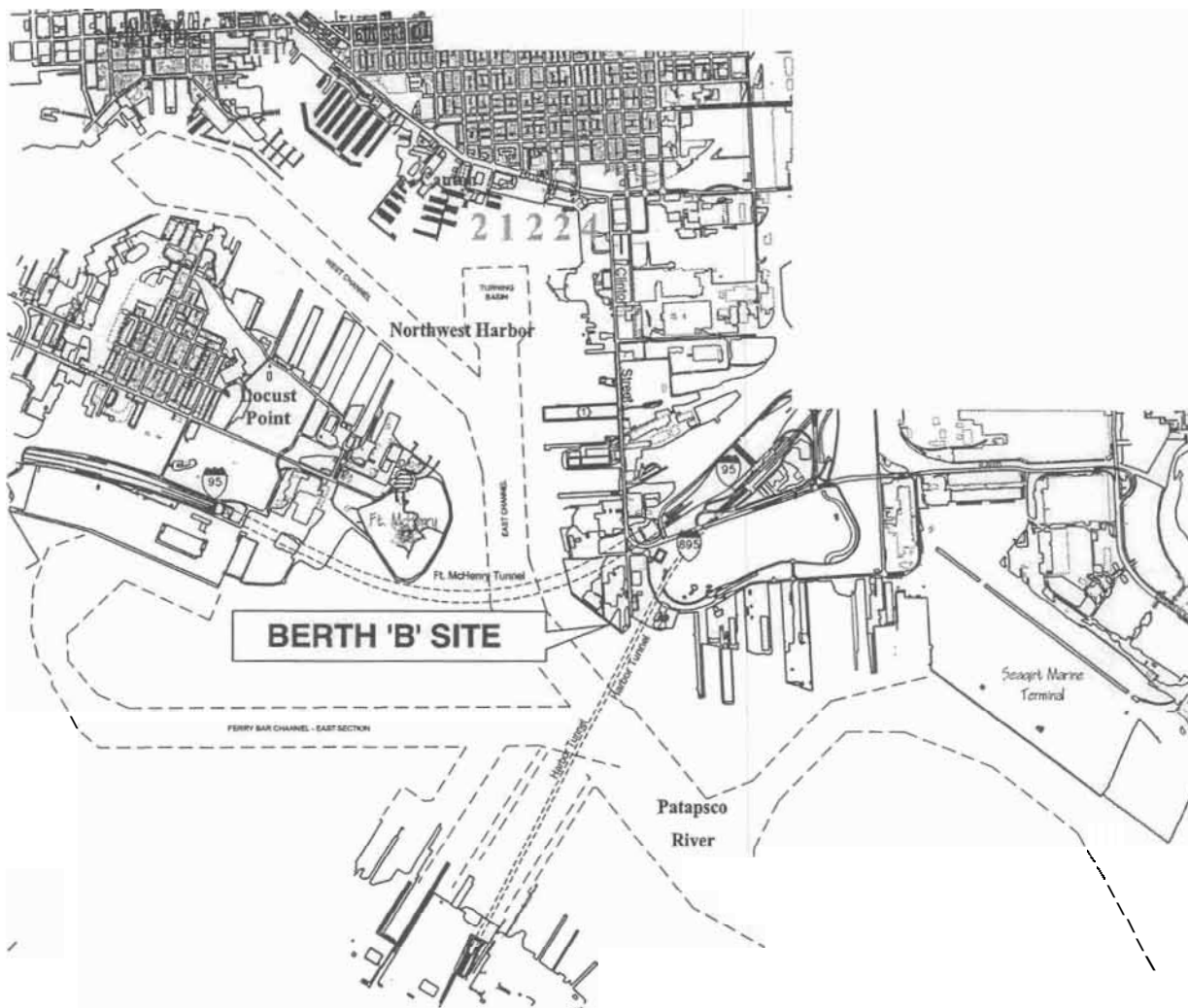
PROPOSED BERTH B RECONSTRUCTION

IN: NORTHWEST HARBOR OF THE PATAPSCO RIVER
AT: LAZARETTO POINT/CANTON
BALTIMORE CITY, MARYLAND 21224
APPLICATION BY: RUKERT TERMINALS CORPORATION
2021 SOUTH CLINTON STREET
BALTIMORE, MARYLAND 21224

SHEET 1 OF 9

DATE: NOVEMBER, 2005

DWC INFO: P:\5534 RUKERT - BERTH B\CADD\PERM\RT-C-P001.DWG, NOV 03 2005 - 01:08 PM, LLEAVERTON, (C) MOFFATT AND NICHOL



LOCATION MAP

NTS

PURPOSE: WHARF CONSTRUCTION
ADJACENT PROPERW OWNERS:

1. STATE OF MARYLAND
2. CONSOLIDATION COAL SALES CO.



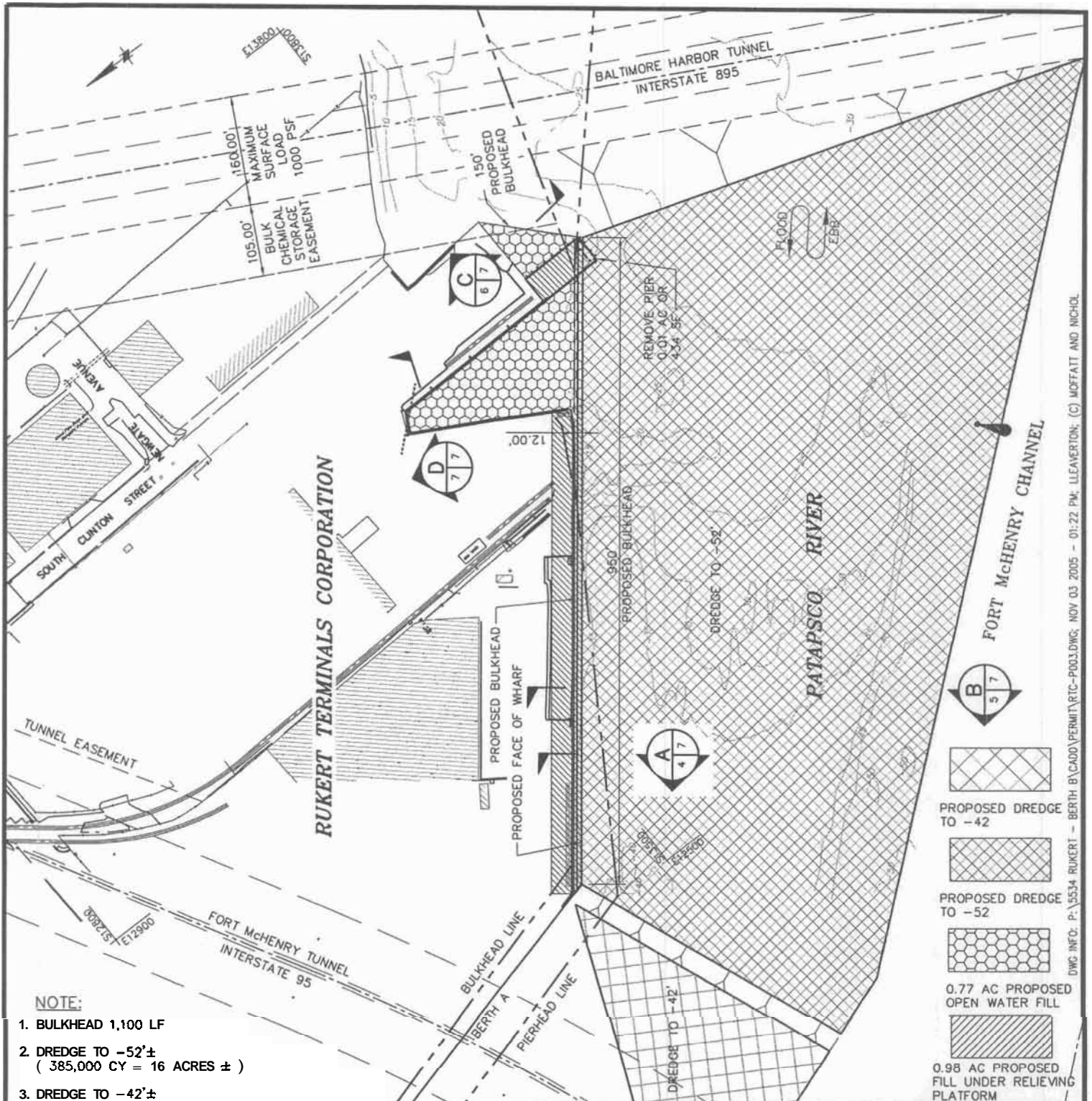
PROPOSED BERTH 'B' RECONSTRUCTION

IN: NORTHWEST HARBOR OF THE PATAPSCO RIVER
AT: LAZARETTO POINT/CANTON
BALTIMORE CIW. MARYLAND 21224
APPLICATION BY: RUKERT TERMINALS CORPORATION
2021 SOUTH CLINTON STREET
BALTIMORE, MARYLAND 21224

SHEET 2 OF 9

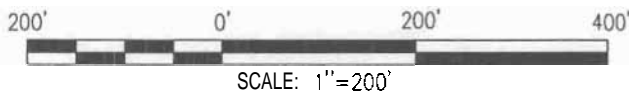
DATE: NOVEMBER, 2005

DWG INFO: P 0 54 RUKERT - B R T B \CAD\PERMIT\TC 002.0 WC; NOV 0 2005 - 0 13 PM; LLEA B R TON; (C) MOFFATT AND NICHOL



NOTE:

1. BULKHEAD 1,100 LF
2. DREDGE TO -52'±
(385,000 CY = 16 ACRES ±)
3. DREDGE TO -42'±
(42,000 CY = 1.9 ACRES ±)
4. DREDGE TOTAL = 427,000 CY OMR
17.9 ACRES ±



PURPOSE: WHARF CONSTRUCTION
ADJACENT PROPERTY OWNERS:

1. STATE OF MARYLAND
2. CONSOLIDATION COAL SALES CO.



PROPOSED BERTH 'B' RECONSTRUCTION DREDGE PLAN TO -52' +/-

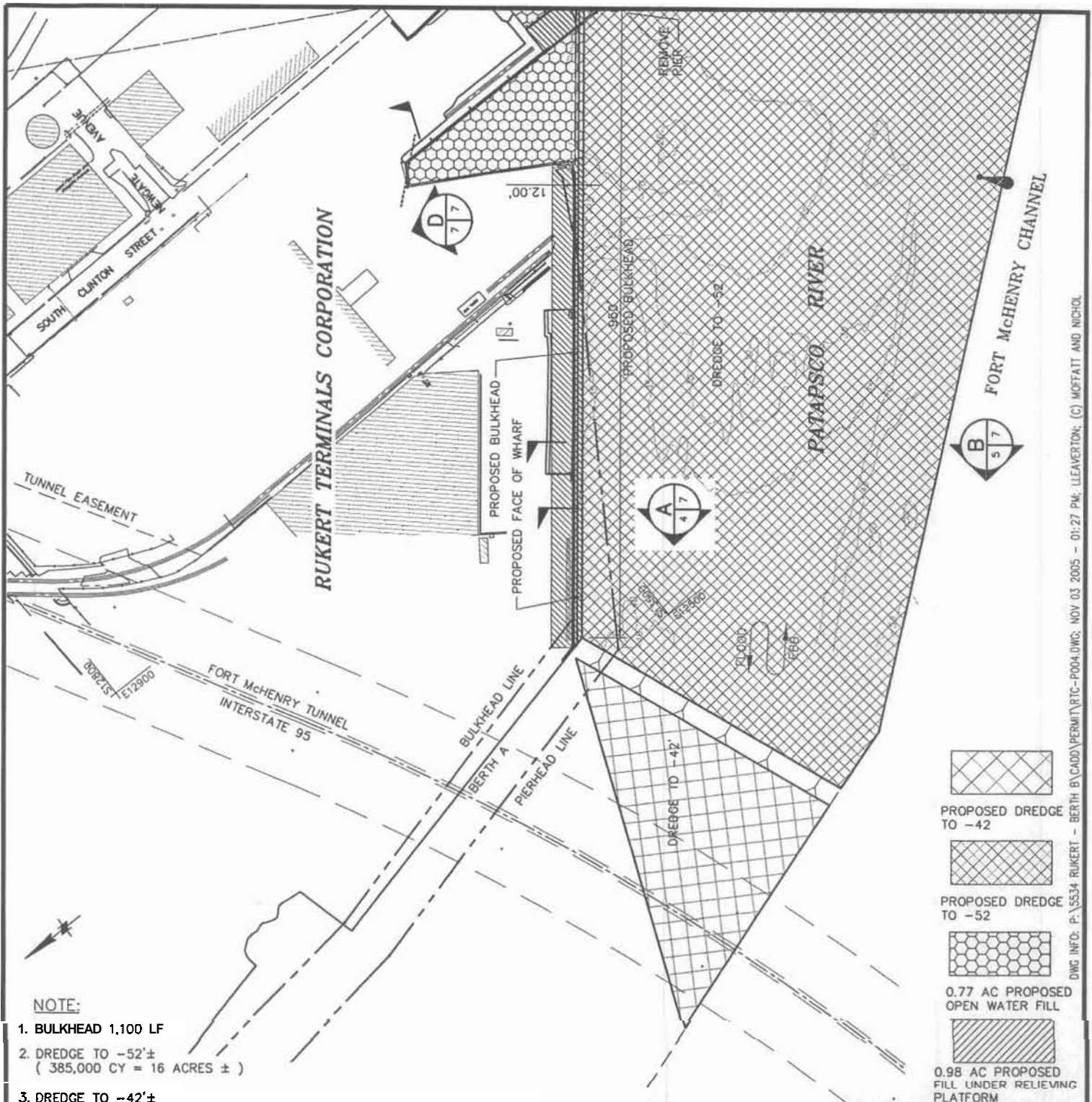
IN: NORTHWEST HARBOR OF THE PATAPSCO RIVER
AT: LAZARETTO POINT/CANTON

BALTIMORE CITY, MARYLAND 21224

APPLICATION BY: RUKERT TERMINALS CORPORATION
2021 SOUTH CLINTON STREET
BALTIMORE, MARYLAND 21224

SHEET 3 OF 9

DATE: NOVEMBER, 2005



PROPOSED BERTH 'B' RECONSTRUCTION DREDGE PLAN TO -42'±/-

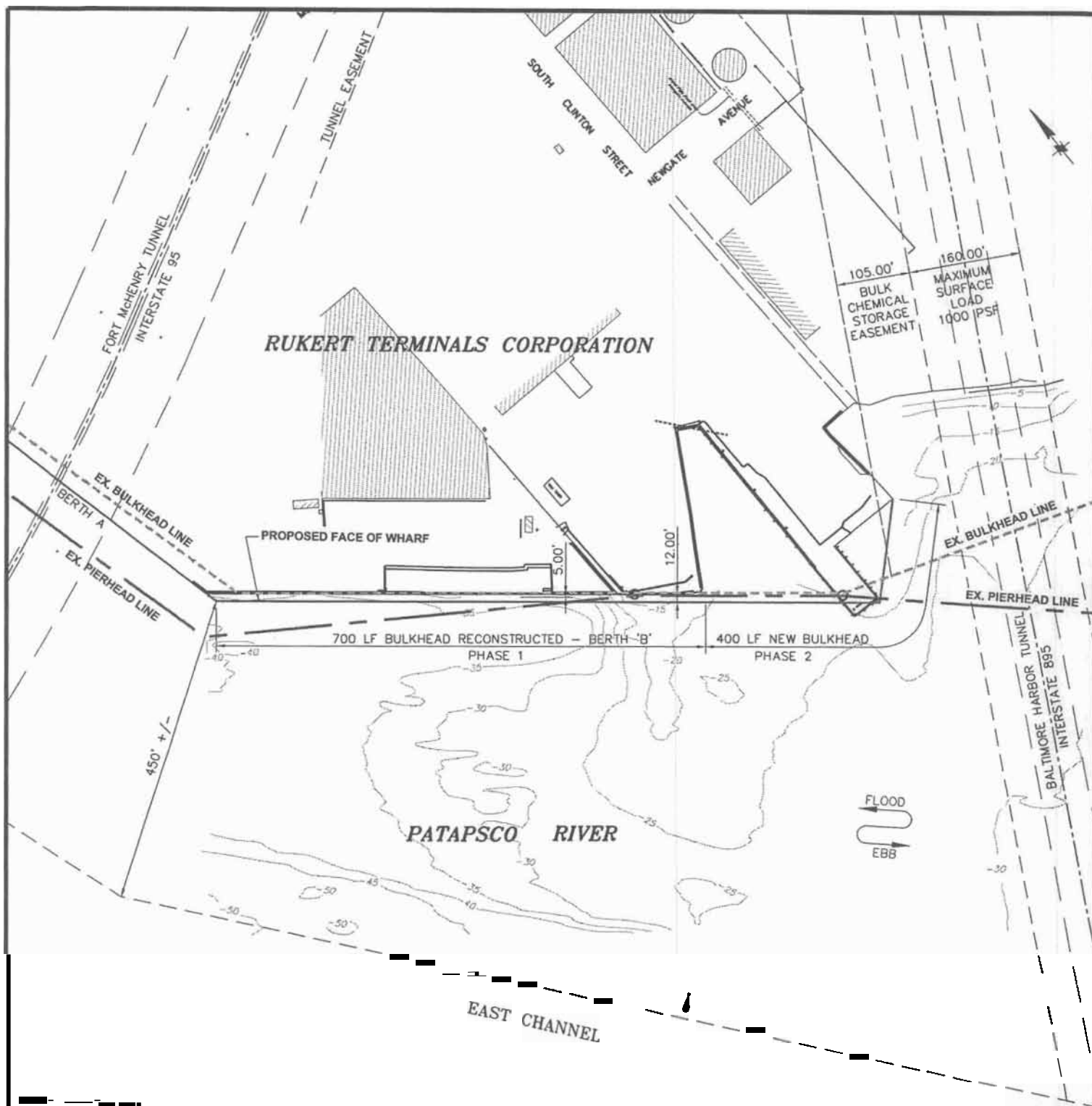
IN: NORTHWEST HARBOR OF THE PATAPSCO RIVER
AT: LAZARETTO POINT/CANTON
BALTIMORE CITY, MARYLAND 21224
APPLICATION BY: RUKERT TERMINALS CORPORATION
2021 SOUTH CLINTON STREET
BALTIMORE, MARYLAND 21224

SHEET 4 OF 9

DATE: NOVEMBER, 2005

PURPOSE: WHARF CONSTRUCTION
ADJACENT PROPERTY OWNERS:
1. STATE OF MARYLAND
2. CONSOLIDATION COAL SALES CO.





NOTE:

1. EX. PIER AND BULKHEAD LINES SHOULD BE UP-DATED TO REFLECT THE PROPOSED BULKHEADS RECONSTRUCTED/CONSTRUCTED.
2. RECONSTRUCTED/CONSTRUCTED BULKHEADS WOULD NOT ADKRSLY IMPACT THE EAST CHANNEL SHIPPING OPERATIONS.

PURPOSE: WHARF CONSTRUCTION

ADJACENT PROPERTY OWNERS:

1. STATE OF MARYLAND
2. CONSOLIDATION COAL SALES CO.



PROPOSED BERTH 'B' RECONSTRUCTION EX. PIER AND BULKHEAD LINE PLAN

IN: NORTHWEST HARBOR OF THE PATAPSCO RIVER
AT: LAZARETTO POINT/CANTON

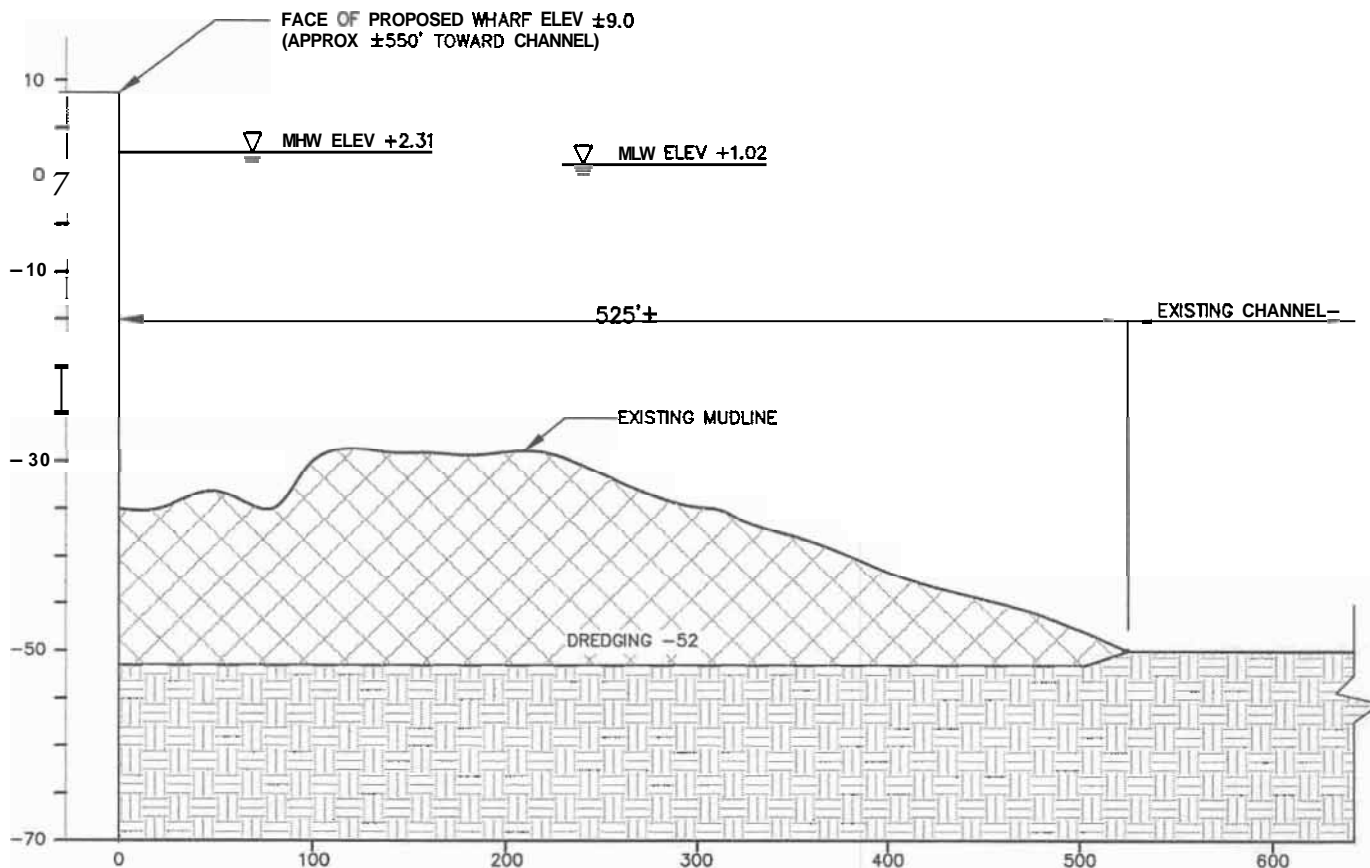
BALTIMORE CITY, MARYLAND 21224

APPLICATION BY: RUKERT TERMINALS CORPORATION
2021 SOUTH CLINTON STREET
BALTIMORE, MARYLAND 21224

SHEET 5 OF 9

DATE: NOVEMBER, 2005

DWG INFO: 00534 DWG ET - BE RTHB\CADD\PERMIT\RTC-P006.DWG; NOV 03 205 - 9 4 PM; LLEVER T T (C) MOFFATT AND N ICHIL



(WIDTH TO CHANNEL VARIES FROM 450' TO 650')

SECTION B-B
SCALE: HORIZONTAL 1"=100'
VERTICAL 1"=20'

PURPOSE: WHARF CONSTRUCTION
ADJACENT PROPERTY OWNERS:
1. STATE OF MARYLAND
2. CONSOLIDATION COAL SALES CO.



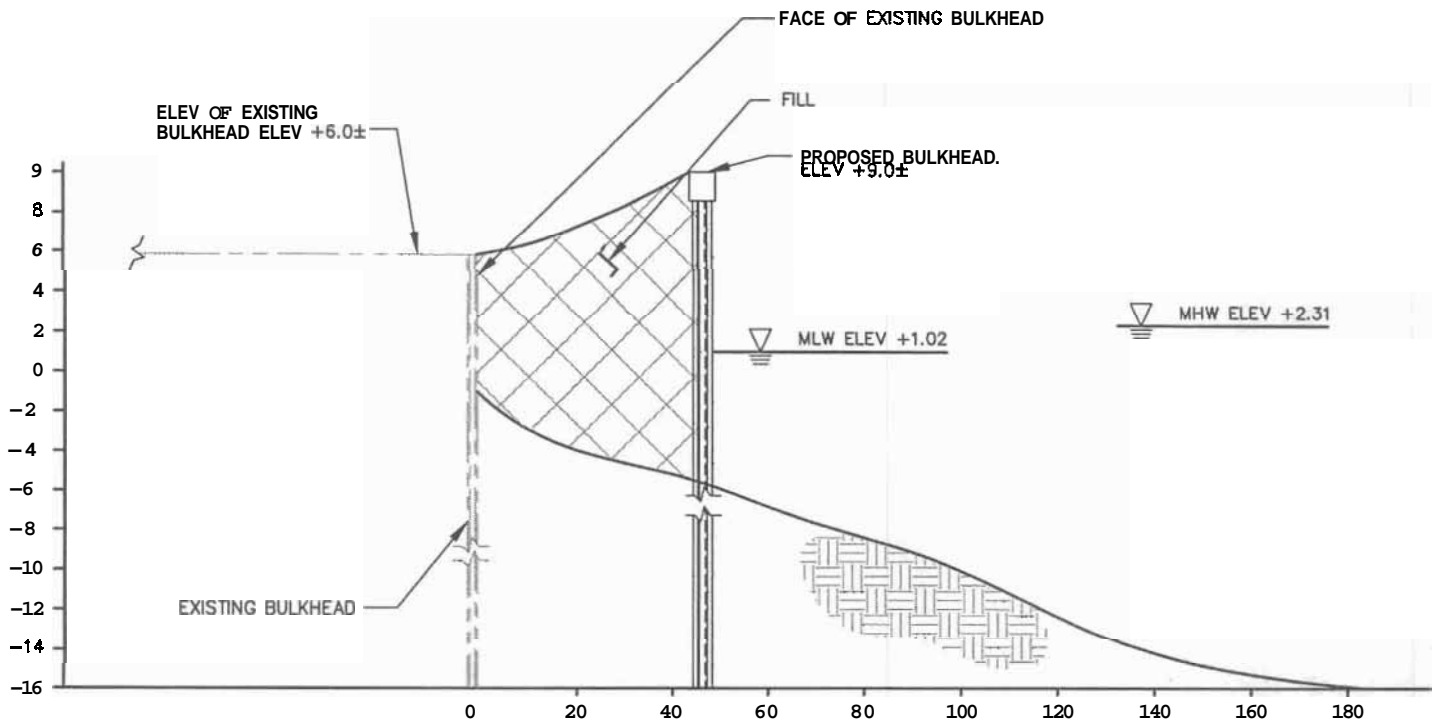
PROPOSED BERTH 'B' RECONSTRUCTION

IN: NORTHWEST HARBOR OF THE PATAPSCO RIVER
AT: LAZARETTO POINT/CANTON
BALTIMORE CITY, MARYLAND 21224
APPLICATION BY: RUKERT TERMINALS CORPORATION
2021 SOUTH CLINTON STREET
BALTIMORE, MARYLAND 21224

SHEET 7 OF 9

DATE: NOVEMBER, 2005

D IN P: 3 4 00 K RT - BERTH B\CADD\PERMIT\RTC-P007.DWG; OCT 31 03 - 04: 4 PM; LEAVENTO U (C) MOFF ATT AND NICHOL



SECTION C-C

SCALE: HORIZONTAL - 1"=40'
VERTICAL - 1"=10'

PROPOSED BERTH 'B' RECONSTRUCTION

IN: NORTHWEST HARBOR OF THE PATAPSCO RIVER
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BALTIMORE CITY, MARYLAND 21224
APPLICATION BY: RUKERT TERMINALS CORPORATION
2021 SOUTH CLINTON STREET
BALTIMORE, MARYLAND 21224

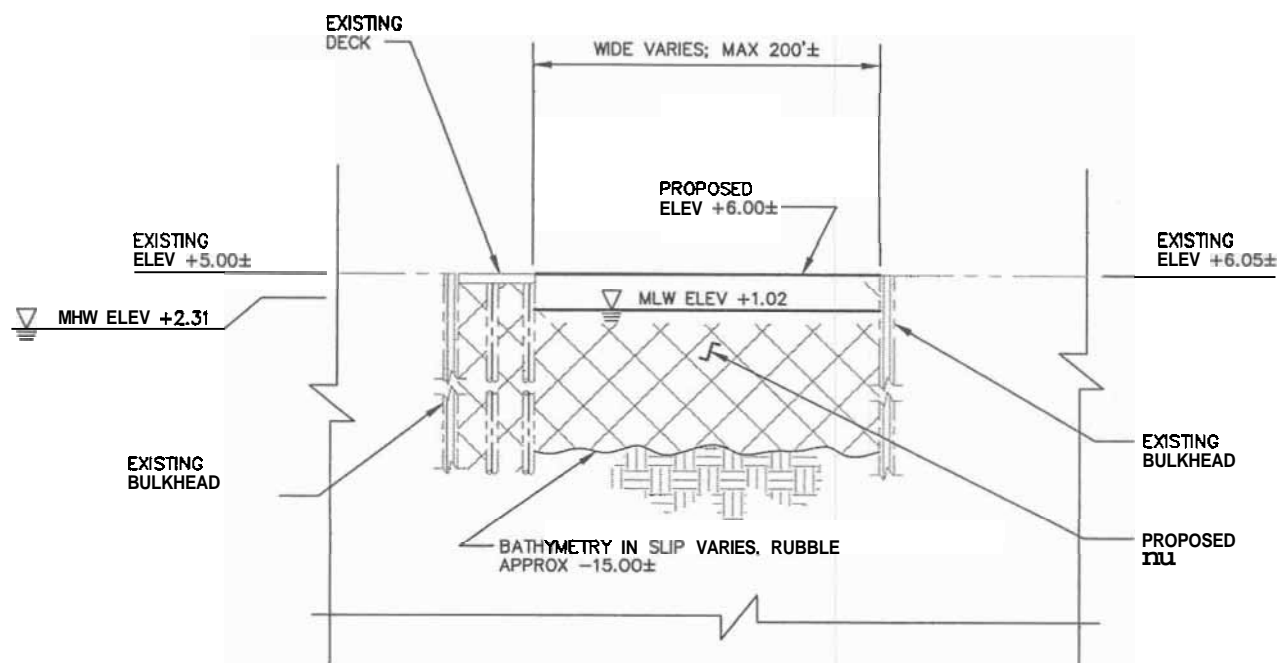
PURPOSE: WHARF CONSTRUCTION
ADJACENT PROPERTY OWNERS:
1. STATE OF MARYLAND
2. CONSOLIDATION COAL SALES CO.



SHEET 8 OF 9

DATE: NOVEMBER, 2005

DWG INFO: P:\34 RUKERT - BERTH B\A\DPBMIT\RTG-P000.DWG; OCT31 2005 - 04:55 PM; LLEVE RTON; C M O F A T T AND NICHOL



SECTION D-D
SCALE: NTS

DWG INFO: 045504 - BERTH B \CADD\PERMIT\RTIC-0009.DWG, 04/31/2005 - 04:55 PM; LLEAVERTON; (C) MOFFATT AND NICHOL

PROPOSED BERTH 'B' RECONSTRUCTION

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BALTIMORE CITY, MARYLAND 21224
APPLICATION BY: RUKERT TERMINALS CORPORATION
2021 SOUTH CLINTON STREET
BALTIMORE, MARYLAND 21224

PURPOSE: WHARF CONSTRUCTION
ADJACENT PROPERTY OWNERS:
1. STATE OF MARYLAND
2. CONSOLIDATION COAL SALES CO.



SHEET 9 OF 9

DATE: NOVEMBER, 2005